



General Assembly

February Session, 2008

Raised Bill No. 5804

LCO No. 2735

02735____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT REGULATING THE SALE OF OUTDOOR WOOD-BURNING FURNACES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-174k of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) For purposes of this section, "business day" means any day
4 except a Sunday or a state holiday, "seller" means a person who sells
5 outdoor wood-burning furnaces and "outdoor wood-burning furnace"
6 means an accessory structure or appliance designed to be located
7 outside living space ordinarily used for human habitation and
8 designed to transfer or provide heat, via liquid or other means,
9 through the burning of wood or solid waste, for heating spaces other
10 than where such structure or appliance is located, any other structure
11 or appliance on the premises, or for heating domestic, swimming pool,
12 hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not
13 include a fire pit, wood-fired barbecue or chiminea.

14 (b) No person shall, from July 8, 2005, to the effective date of
15 regulations promulgated by the United States Environmental

16 Protection Agency to regulate outdoor wood-burning furnaces,
17 construct, install, establish, modify, operate or use an outdoor wood-
18 burning furnace, unless (1) the outdoor wood-burning furnace was
19 constructed, installed, established, modified, operated or in use prior
20 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with
21 the following:

22 (A) Installation of the outdoor wood-burning furnace is not less
23 than two hundred feet from the nearest residence not serviced by the
24 outdoor wood-burning furnace;

25 (B) Installation of the chimney of the outdoor wood-burning furnace
26 is at a height that is more than the height of the roof peaks of the
27 residences that are located within five hundred feet of the outdoor
28 wood-burning furnace, which residences are not serviced by the
29 outdoor wood-burning furnace, provided the chimney height is not
30 more than fifty-five feet;

31 (C) No other materials are burned in the outdoor wood-burning
32 furnace other than wood that has not been chemically treated; and

33 (D) Installation and operation of the outdoor wood-burning furnace
34 is in accordance with the manufacturer's written instructions, provided
35 such instructions do not conflict with the provisions of this section.

36 (c) (1) Every contract for an outdoor wood-burning furnace shall
37 provide that such contract may be cancelled within three business days
38 after the date of receipt by the buyer of a copy of the contract, by
39 written notice delivered by certified or registered United States mail to
40 the seller or the seller's agent at an address which shall be specified in
41 the contract. Cancellation shall be without liability on the part of the
42 buyer, except for the fair market value of services actually received
43 and the buyer shall be entitled to a refund of the entire consideration
44 paid for the contract, if any, less the fair market value of the services
45 already received. Such right of cancellation shall not be affected by the
46 terms of the contract and may not be waived or otherwise surrendered.

47 (2) A copy of the contract shall be delivered to the buyer at the time
48 the contract is signed. All contracts shall (A) be in writing and signed
49 by the buyer, (B) designate the date on which the buyer actually signs
50 the contract, (C) identify the address of the location at which the buyer
51 entered the contract, and (D) contain a statement of the buyer's rights
52 that complies with the requirements of this subsection. Such statement
53 shall appear in the contract under the conspicuous caption: "BUYER'S
54 RIGHT TO CANCEL", and read as follows:

55 "If you wish to cancel this contract, you may cancel by mailing a
56 written notice by certified or registered mail to the address specified
57 below. The notice must say that you do not wish to be bound by this
58 contract and must be delivered or mailed before midnight of the third
59 business day after you sign this contract. The notice must be delivered
60 or mailed to:

61 (Seller's name)

62 (Seller's address)"

63 (3) The seller shall provide an informational sheet concerning the
64 proper location and operation of outdoor wood-burning furnaces,
65 developed by the Commissioner of Environmental Protection in
66 consultation with the Commissioner of Consumer Protection, at the
67 time the contract is signed. The seller shall obtain the buyer's
68 acknowledgement of receipt, including date of receipt, of such
69 informational sheet on a form prescribed by the Commissioner of
70 Environmental Protection. The seller shall keep such signed
71 acknowledgement for a period of five years from the date the contract
72 for an outdoor wood-burning furnace is signed and the
73 acknowledgment shall be made available for inspection by a
74 representative of the Department of Environmental Protection.

75 (4) If a seller materially violates the provisions of this subsection, the
76 buyer of an outdoor wood-burning furnace may cancel the contract
77 and shall have a right of action against the seller for recovery of three

78 times the amount actually paid to the seller under the contract. In
79 addition to any judgment awarded to the buyer, the court may allow
80 reasonable attorney's fees.

81 (5) A violation of this subsection shall be an unfair or deceptive
82 trade practice pursuant to subsection (a) of section 42-110b.

83 [(c)] (d) The provisions of this section shall be enforced by the
84 Commissioner of Environmental Protection and may be enforced by
85 the municipality affected by the operation or potential operation of an
86 outdoor wood-burning furnace.

87 [(d)] (e) Any person who operates an outdoor wood-burning
88 furnace in violation of this section shall be deemed to have committed
89 an infraction and shall be fined not more than ninety dollars. Each day
90 of operation of such outdoor wood-burning furnace in violation of this
91 section shall be a separate violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	22a-174k

Statement of Purpose:

To require sellers of outdoor wood-burning furnaces to disclose the current restrictions on locating and operating such furnaces and to give purchasers of such furnaces a three-day right of cancellation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]